

REGULAR CITY COUNCIL MEETING
AUGUST 23, 1993

PRESENT

Don Dafoe
Gayle Bunker
Alan Burraston
Robert Dekker
Robert Droubay
Rex Harris

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

Richard Waddingham
Dorothy Jeffery

City Attorney
City Recorder

OTHERS PRESENT

Virginia Taylor
Alan Riding
Kiran Bhayani
Leon Smith
Michelle Nielsen
Mr. & Mrs. Robert Jeffery
Bryce Ashby
Tony Dearden
Lana Moon
Tom Hamilton
Russ Thelin
Tom Stephenson
Gregory Schafer
Donetta Yates
Velda Pace
Edith Allred
Chess Allred
Jane Beckwith
Brent Johnson
Bruce Hall
Roger Foisey
Nathan Nickle
Ray Huber
Jeremy Comeau
Benjy Comeau
Todd Anderson
Kade Riding
Rusty Wood
Kevin Burton
Tyson Rich
Corinne Murray

Deputy Recorder
Asst. Public Works Director
Division of Water Quality
Delta, Melville Canal Co.
Millard Animal Hospital
City Resident
Fire Chief
Millard County Commissioner
Millard County Commissioner
City Resident
City Resident
City Resident
City Employee
City Resident
City Resident
City Resident
City Resident
City Resident
Delta Valley Farms

[illegible]

Mayor Dafoe called the meeting to order at 7:00 p.m. Virginia Taylor, Deputy City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, KNAK Radio Station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held June 14, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held June 14, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Dekker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held June 28, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Rex Harris MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held June 28, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Robert Droubay MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held July 26, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the

motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held August 3, 1993, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Alan Burraston MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable be approved for payment as listed in the amount of \$104,015.94. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: RESOLUTION REGARDING THE ESTABLISHMENT AND USE OF SPECIAL IMPROVEMENT GUARANTEE FUND FOR SPECIAL ASSESSMENT BOND (S.I.D. 83-1)

Attorney Richard Waddingham was not in attendance to discuss this item. Council Member Robert Droubay MOVED to table this item until Attorney Waddingham is in attendance. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: STATUS OF FORECLOSURE OF TRUST DEED REGARDING PENDRAY ESTATES

In view of Attorney Richard Waddingham's absence, Mayor Dafoe explained that Don Ashcraft purchased property from Robert Pendray in the Pendray Subdivision and built a home there. However, as a result of the foreclosure of the Trust Deed regarding Pendray Estates, a five foot strip of Mr. Ashcraft's property is involved in the Trust Deed foreclosure. Mr. Ashcraft said that Mr. Pendray gave him a Warranty Deed on the property, and he bought the property without requesting a title search. Mayor Dafoe said that Mr. Ashcraft has requested that the five foot strip of property be excluded from the Trustee's Sale due to its size.

Following discussion, Council Member Robert Dekker MOVED to table this item until Attorney Waddingham is in attendance. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

KIRAN BHAYANI, DIVISION OF WATER QUALITY: DRAFT AMENDED CONSENT AGREEMENT BETWEEN DELTA VALLEY FARMS AND THE UTAH DIVISION OF WATER QUALITY

Mayor Dafoe welcomed Kiran Bhayani, Division of Water Quality, and asked that he address the City Council regarding a draft of an amended Consent Agreement in the matter of Delta Valley Farms.

Kiran Bhayani said that on March 12, 1992, Delta Valley was issued a Notice of Violation and Order by the Utah Water Quality Board. On November 12, 1992, Delta Valley entered into an Agreement with the Board to settle the violation and bring Delta Valley into compliance. The purpose of the Amended Agreement is to resolve the Order and to amend the compliance schedule of the Agreement to bring the unauthorized process wastewater disposal practices of Delta Valley into compliance in a timely manner.

Mr. Bhayani then presented and discussed the following information with the City Council:

AN OVERVIEW OF WHEY DISPOSAL PRACTICE
AND RELATED PROBLEMS
AT DELTA VALLEY FARMS

prepared by

Kiran L. Bhayani, and John R. Kennington

- ◆ In the Spring of 1987, the Division of Water Quality (then the Bureau of Water Pollution Control) became aware of land disposal of whey by Delta Valley Farms. Delta Valley collects whey and floor washdown water mixed with whey to some extent, in a storage tank located behind the plant. Farmers and others pick up whey from the storage tank for animal feed and other beneficial uses. The tank foams and overflows routinely. Excess whey from the tank is allowed to flow on the land behind the plant site. This disposal occurs apparently without the benefit of the best management practices. The best management practices, at the minimum, include proper spreading to avoid ponding and development of septic and odorous conditions, and periodic disking of the site. The application rate will, typically, be commensurate with the agronomic uptake needs and consideration of ground water quality protection. The land disposal of whey produced severe odors due to septicity caused by the lack of the best management practices at the site. For several years, the Central Utah Health Department and the Division have received numerous complaints of odor emanating from septic whey behind the plant site.

The practice of land disposal was not reviewed and approved by the executive secretary of the Utah Water Quality Board (then the Utah Water Pollution Control Committee). The review and approval are essential under the rule and the statute governing disposal of all types of wastewater. The review process typically focuses on the feasibility of the practice, technology etc. including potential operational problems, and water quality protection.

- ◆ Since 1987, the Central Utah District Engineer of the Department of Environmental Quality endeavored to bring the disposal practice in compliance with the water quality rule in coordination with the Central Utah District Health Department. Also, the approved disposal practice will dictate the implementation of the best management practices, thereby minimizing the odor nuisance to a great extent.
- ◆ The Division staff visited the site in the Fall of 1991, reviewed the practice and offered the assistance to Delta Valley Farms. The limited resources and potential conflict of interest would not allow the Division to engineer the design of the disposal system. However, the Division has been willing to share the benefit of its experience and knowledge of disposal practices among various states and countries.

- ♦ The Division sought other solutions in cooperation with Delta City and Millard county. The difficulties in concluding institutional arrangements in a timely manner have precluded implementation of other solutions.
- ♦ In the Spring of 1992, the executive secretary issued a notice of violations and order requiring Delta Valley to bring the land disposal practice in compliance with the rule, and thus, minimize odor nuisance.
- ♦ The Division staff continued to provide assistance and sought to negotiate an end to the practice. A consent agreement was concluded in late 1992 following solicitation of public comments. The agreement provided for an implementation schedule for a disposal practice complying with the rule before June 1, 1993.
- ♦ Delta Valley attempted to meet various deadlines. The limited resources committed to the efforts delayed compliance with the schedule. The Division has been concerned about the commitment and availability of resources from the beginning. The Division has shown continued sensitivity to the factors affecting the scheduled compliance in deference to striking a balance between environmental protection and economic viability of industries in the State.
- ♦ There are several alternatives available to Delta Valley for proper whey disposal. These alternatives range from complete treatment at the site, land application on farms or other lands, recovery of nutrients for animal feed, disposal in irrigation canal for beneficial use on farmlands, direct animal feed, joint treatment in Delta City's lagoon, etc. Each alternative has merits, limitations and associated cost for implementation, besides the need to conclude satisfactory institutional and legal arrangements.
- ♦ In May 1993, Delta Valley requested additional time to further investigate disposal practices meeting their economic viability. The Division reviewed the situation in two separate meetings with Delta Valley and agreed to offer an extension of time until June 1994.
- ♦ A draft of amended consent agreement outlining in detail various milestones and when they should be achieved, and penalties for failure to meet each milestone and the final compliance deadline, is now available for public review and comments. Last week, the Division published a notice of availability of the draft consent agreement in local newspaper.
- ♦ Delta Valley has signed the amended consent agreement accepting the schedule and the final deadline. The executive secretary will sign the agreement following consideration of comments received during the public comment period. The agreement will become effective and binding upon signature of the executive secretary.

Although Delta Valley is located in Millard County, several Delta City Residents were in attendance and complained about the smell that Delta Valley produces within the City. Lengthy discussion was held regarding compliance solutions, penalties and deadlines. Mr. Bhayani explained that by February 1, 1994, Delta Valley must submit to the State for review and approval, detailed design plans and specifications for construction of a long-term treatment and disposal process. By May 31, 1994, Delta Valley must complete the installation or construction and begin operation of the approved disposal system.

Brent Johnson, Delta Valley, was in attendance and explained that Delta Valley is making an effort to come into compliance; however, their funds are limited and the recommended solutions are not economically feasible at this time.

There was no action taken. This item was for discussion only.

LEON SMITH, DELTA & MELVILLE CANAL CO. & UTAH STATE UNIVERSITY:
REQUEST TO PLACE RADIO RELAY STATION AT DELTA MUNICIPAL AIRPORT

Mayor Dafoe asked Leon Smith, Delta Canal Co., to address the City Council regarding a request to place a radio relay station at the Delta Municipal Airport.

Leon Smith said that the canal companies have temporarily placed a radio relay station at the Delta Municipal Airport and requested permission to keep the station there permanently.

Following brief discussion, Council Member Robert Dekker MOVED to, pending Attorney Richard Waddingham's approval, authorize the placement of a permanent radio relay station at the Delta Municipal Airport. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

DR. H. NIELSON, MILLARD ANIMAL HOSPITAL: ANIMAL CONTROL CONTRACT

Mayor Dafoe asked Michelle Nielsen to address the City Council to discuss Delta City's Animal Control Contract.

Mrs. Nielsen explained that, with the increased number of animals that are being impounded at the current rates they are charging, they are losing money. Under their present contract any cost above \$175 per month the following rates apply:

Boarding	\$4.00 per animal per day
Euthanasia	\$5.00 per animal
Disposal Fee	\$0.00 per animal

Mrs. Nielsen proposed the following rates:

Boarding	\$5.00 per animal per day
Euthanasia	\$15.00 per animal
Disposal Fee	\$5.00 per animal

Following brief discussion, Council Member Robert Droubay MOVED to increase the animal control rates as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ROBERT JEFFERY, CITY RESIDENT: SAFETY OF CHILDREN AT WHITE SAGE PARK

Mayor Dafoe asked Robert Jeffery to discuss the safety of children at the White Sage Park.

Robert Jeffery said that whenever there are activities at the White Sage Regional Park or at the Millard County Fairgrounds there is a lot of speeding traffic, and he is worried about the children's safety in that area. He requested that 25 MPH signs be posted along Manzanita street and that traffic control be increased.

Mayor Dafoe instructed Alan Riding, Assistant Public Works Director, to post 25 MPH signs along Manzanita.

BRYCE ASHBY, FIRE CHIEF: FIRE DEPARTMENT PROPERTY AND EQUIPMENT

Mayor Dafoe asked Fire Chief Bryce Ashby to discuss Delta City Fire Department property and equipment.

Fire Chief Bryce Ashby reported that the Millard County Fire District recently purchased the corner property located just south of the existing fire station. Mr. Ashby said that the Fire District plans to build an addition to the fire station on the property and lay an asphalt parking lot.

Mr. Ashby said that the property is owned by the Millard County Fire District; however, if the Fire District is ever dissolved, the property will become the property of Delta City.

Mr. Ashby then reported on various activities of the Delta Fire Department.

OTHER BUSINESS

This item was inadvertently left off the agenda; therefore Mayor Dafoe asked Alan Riding, Asst. Public Works Director, to discuss specifications for a 1994 Mid-Size Pickup Truck.

Mr. Riding presented specifications for a 1994 Model Mid-Size Pickup Truck that is to be used in the Public Works Department and requested City Council's approval to advertise for bid the specifications presented.

Following discussion, Council Member Gayle Bunker MOVED to authorize the Public Works Department to advertise for bid the specifications listed for a 1994 Mid-Size Pickup Truck. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Rex Harris MOVED to adjourn. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:05 p.m.



DON DAFOE, Mayor



DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 9-13-93